

AO 133 (Rev. 9/89) Bill of Costs

UNITED STATES DISTRICT COURT

MIDDLE

District of

ALABAMA

Dora Davis

BILL OF COSTS

V.

Albany International and Jeff Johnston

Case Number: **2:05-cv-01040-WKW**

+

Judgment having been entered in the above entitled action on 10/17/2006 against Dora Davis ,
Date
 the Clerk is requested to tax the following as costs:

Fees of the Clerk	\$ _____
Fees for service of summons and subpoena	_____
Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case	<u>1,034.75</u>
Fees and disbursements for printing	_____
Fees for witnesses (itemize on reverse side)	_____
Fees for exemplification and copies of papers necessarily obtained for use in the case	<u>51.60</u>
Docket fees under 28 U.S.C. 1923	_____
Costs as shown on Mandate of Court of Appeals	_____
Compensation of court-appointed experts	_____
Compensation of interpreters and costs of special interpretation services under 28 U.S.C. 1828	_____
Other costs (please itemize)	_____
TOTAL	\$ <u>1,086.35</u>

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy of this bill was mailed today with postage prepaid to: Vicki Underwood Toles, Esq. (vtoles@tolesandunderwood.com); Trina S. Williams, Esq. (twilliams@tolesandunderwood.com); Charles A. Powell, IV, Esq. (cpowell@bakerdonelson.com)

Signature of Attorney: *Lynlee Wells Palmer*Name of Attorney: Lynlee Wells PalmerFor: Jeff Johnston

Name of Claiming Party

Date: October 31, 2006

Costs are taxed in the amount of _____ and included in the judgment.

DEBRA P. HACKETT
 Clerk of Court

By: _____
 Deputy Clerk

Date

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)							
NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		Total Cost Each Witness
	Days	Total Cost	Days	Total Cost	Milcs	Total Cost	
							0.00
							0.00
							0.00
							0.00
							0.00
							0.00
					TOTAL	\$0.00	

NOTICE

Section 1924, Title 28, U.S. Code (effective September 1, 1948) provides:

"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28, which reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedure contain the following provisions:

Rule 54 (d)

"Except when express provision therefor is made either in a statute of the United States or in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its officers, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

Rule 6(e)

"Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added to the prescribed period."

Rule 58 (In Part)

"Entry of the judgment shall not be delayed for the taxing of costs."

Dora Davis v. Albany International and Jeff Johnston
United States District Court, Middle District of Alabama, Northern Division
Case No. 2:05-CV-1040-MHT-SRW

Itemization of Charges Included in Bill of Costs

I. FEES FOR EXEMPLIFICATION AND COPIES OF PAPERS						
	Documents	Type	Date	Pages	Copies	Total Pages
1	Defendant Jeff Johnston's Motion for Summary Judgment	Pleading	04/18/06	3	1	3
2	Defendant Jeff Johnston's Brief in Support of Motion for Summary Judgment	Pleading	06/21/06	27	1	27
3	Defendants' Evidentiary Submission in Support of Motion for Summary Judgment	Pleading	06/21/06	300	1	300
4	Defendants' Joint Reply In Support of Their Motion For Summary Judgment	Pleading	07/20/06	3	1	3
5	Defendant Jeff Johnston's Reply Brief in Support of His Motion for Summary Judgment	Pleading	07/26/06	11	1	11
Amount due for Exemplification & Copies (Total Pages = 344 @ \$.15 per page)						\$51.60
II. FEES OF THE COURT REPORTER - DEPOSITION TRANSCRIPTS						
	Deponent¹	Date	Charge			Total
1	Dora Davis	5/12/06	674.15	See attached invoice (less Lit. Support)		\$674.15
2	Dora Davis	6/7/06	360.60	See attached invoice (less Lit. Support)		\$360.60
Amount due for Deposition Transcripts						\$1,034.75
TOTAL AMOUNT DUE						\$1,086.35

¹

Dora Davis is the plaintiff in this action. This deposition was used extensively by the defendant in support of its Motion for Summary Judgment. Such costs are recoverable. See In re: *Nissan Antitrust Litigation*, 577 F.2d 910 (5th Cir. 1978), cert denied, 439 U.S. 1072 (1978).

AMERICAN COURT REPORTING

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6/19/2006 Statement of Account

Jennifer F. Swain
 Johnston Barton Proctor & Powell LLP
 1901 6th Ave. N., 2900 AmSouth/Harbert Plaza
 Birmingham, AL 35203 - 0000

	Attn / Caption	Billed	Invoice Amt	Thirty-	Outstanding		
					Thirty+	Sixty+	Ninety+
DM59680	Jennifer F. Swain	6/16/2006	\$360.60	\$360.60			
6/7/2006	Dora Davis vs. Albany International						
	MONTGOMERY						
			Total:	\$360.60			\$360.60



AMERICAN COURT REPORTING

Federal I.D. Number: **63-1205423****Jennifer F. Swain**

Johnston Barton Proctor & Powell LLP
2900 AmSouth/Harbert Plaza
1901 6th Ave. N.
Birmingham, AL 35203

Invoice Date: **5/24/2006**Invoice #: **DM59335**Total Due: **\$709.15**

Re: Dora Davis vs. Albany International
Montgomery
On 5/12/2006 by David Miller

Invoicing Information**Deponents:**

1. Dora Davis 286 pages

Product	Qty	UOM	Extended Price
Copy Deposition Pages	286	page	\$586.30
Travel Transcript	1	each	\$25.00
Exhibit Pages	151	each	\$52.85
Handling	1	each	\$10.00
Data Disk	1	each	\$35.00
Total Price:			\$709.15
Total Paid:			\$0.00
Total Due:			\$709.15

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